

Sixth Appellate District

San Jose, California

MONDAY, MARCH 10, 2003

H025118 In re ROBERT F.; SANTA CRUZ HUMAN RESOURCES AGENCY v. ROBERTO F.

The judgment terminating parental rights is affirmed. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Wunderlich, J., Mihara, J.)

Filed March 10, 2003

H023760 PEOPLE v. BEDOLLA

The judgment is affirmed. (not published)

(Wunderlich, J.; We concur: Rushing, P.J., Elia, J.)

Filed March 10, 2003

TUESDAY, MARCH 11, 2003

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; Elia, J.; Wunderlich, J.; and Jane V. Flor, Deputy Clerk.

H023433 PEOPLE v. NGUYEN, et al.

Cause called and argued by Gary Kenneth Dubcoff appearing for appellant Son Nguyen and by Julie Anne Hokans, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

Elia, J. leaves the bench and Premo, J. takes the bench.

H023715 PEOPLE v. SULLIVAN

Cause called and argued by Stephen B. Bedrick appearing for Appellant and by Joan Killeen, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H023660 PEOPLE v. FELIX

Cause called and argued by Pamala Sayasane appearing for Appellant and by Nancy H. Tung, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H024301 PEOPLE v. O'DELL

Cause called and argued by Stephen B. Bedrick appearing for Appellant and by Nanette Winaker, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

Sixth Appellate District

San Jose, California

Tuesday, March 11, 2003 (continued)

H024481 BOGHOS v. LLOYD'S OF LONDON, et al.

Cause called and argued by Dean Hansell appearing for Appellants and by Michael J. Quirk appearing for Respondent. Cause ordered submitted. Court recesses until 1:30 p.m.

H023551 SALINAS PUMP COMPANY v. RAMIREZ

On the court's own motion, the appeal is dismissed. (*Collins v. Corse* (1936) 8 Cal.2d 123.) Costs on appeal are awarded to plaintiff. (not published)
(Premo, J.; We concur: Rushing, P.J., Elia, J.)
Filed March 11, 2003

H023571 PEOPLE v. YALUNG

The judgment is modified to stay the concurrent terms imposed on counts 2 and 10. As so modified, the judgment is affirmed. (not published)
(Premo, J.; We concur: Rushing, P.J., Elia, J.)
Filed March 11, 2003

H023357 PEOPLE v. GHADERI

The appeal is dismissed. (not published)
(Premo, J.; We concur: Rushing, P.J., Wunderlich, J.)
Filed March 11, 2003

H024579 PEOPLE v. WASHINGTON

The judgment is modified to strike the one-year Penal Code section 667.5, subdivision (b), enhancement. As so modified, the judgment is affirmed. (not published)
(Premo, J.; We concur: Rushing, P.J., Elia, J.)
Filed March 11, 2003

H021587 PEOPLE v. GOMEZ, et al.

(Filed order modifying opinion.) No change in the judgment. (not published)
(Rushing, P.J.; We concur: Bamattre-Manoukian, J., Mihara, J.)
Filed March 11, 2003

The Court reconvened at 1:30 p.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J., Premo, J., Elia, J.; and Beth Miller, Deputy Clerk.

Sixth Appellate District

San Jose, California

Tuesday, March 11, 2003 (continued)

H024248 WARFEL v. COUNTY OF SANTA CLARA, et al.

Cause called and argued by Charles Warfel, Appellant appearing in pro per, and by Mark A. Gonzalez, Deputy County Counsel, appearing for Respondents. Cause ordered submitted.

H023321 ROBERTS v. CALHOUN

Cause called and argued by John Michael O'Connor appearing for Appellant Calhoun and by Theresa Pfeifer appearing for Appellant Roberts. Cause ordered submitted.

Rushing, P.J. leaves the bench and Bamattre-Manoukian, J. takes the bench.

H023761 ROBERTS v. OLSON

Cause called and argued by Peter M. Rehon appearing for Appellants and by Edward Donald Haas appearing for Respondent. Cause ordered submitted.

H024824 COUNTY OF SANTA CLARA v. MORRIS

Appellant's motion to vacate the dismissal order of February 19, 2003, is granted. The appeal is hereby restored to active status, and the clerk of the court shall file appellant's opening brief forthwith. Respondent may serve and file a response brief on or before 30 days from the date of this order.

(Premo, Acting P.J., Bamattre-Manoukian, J. and Wunderlich, J. participated in this decision.)

H024956 SAN BENITO COUNTY DEPARTMENT OF CHILD SUPPORT SERVICES v. MIRANDA

Appellant's motion to vacate the dismissal order of February 19, 2003, is granted provided a proposed opening brief is duly filed in this court on or before March 17, 2003.

(Premo, Acting P.J., Bamattre-Manoukian, J. and Wunderlich, J. participated in this decision.)

Sixth Appellate District

San Jose, California

Tuesday, March 11, 2003 (continued)

H024865 COUNTY OF SANTA CLARA v. WILSON

Appellant's motion to vacate the dismissal order of February 19, 2003, is granted. The appeal is hereby restored to active status, and the clerk of the court shall file the opening brief received from appellant on February 27, 2003, forthwith.

Respondent may serve and file a response on or before 30 days from the date of this order.

(Premo, Acting P.J., Bamattre-Manoukian, J., and Wunderlich, J., participated in this decision.)

Filed March 11, 2003

H024520 COUNTY OF SANTA CRUZ v. ESPINO

Appellant's motion to vacate the dismissal order of February 19, 2003, is granted provided a proposed opening brief is duly filed in this court on or before March 21, 2003. No extensions of time thereafter will be granted.

(Premo, Acting P.J., Bamattre-Manoukian, J., and Wunderlich, J., participated in this decision.)

Filed March 11, 2003

WEDNESDAY, MARCH 12, 2003

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; Premo, J.; Elia, J.; and W. Magsaysay, Deputy Clerk.

H021790 PEOPLE v. MURPHY

Cause called and argued by Walter K. Pyle appearing for Appellant and by John H. Deist, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H021456 PEOPLE v. GOTTFRIED

Cause called and argued by Jeanine Grimmond Strong appearing for Appellant and by Ayana Cuevas, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H024799 IN RE NICOLE L., A MINOR

Cause called and argued by Richard Hamm appearing for Appellant, by Arleen V. Rozul, Deputy County Counsel, appearing for Respondent Santa Clara County Department of Family and Children's Services and by Robert J. Masterson, Deputy District Attorney, appearing for Respondent minor. Cause ordered submitted.

Sixth Appellate District

San Jose, California

Wednesday, March 12, 2003 (continued)

H023490 SCHNEIDER, et al. v. SUNTRIPS, INC.

Cause called and argued by Edwin Forrest Shryock appearing for Appellants and by Dennis Gildea appearing for Respondent. Cause ordered submitted. Court adjourns.

H024233 PEOPLE v. NGUYEN

The order of the court is affirmed. (not published)
(Premo, J.; We concur: Rushing, P.J., Elia, J.)
Filed March 12, 2003

H023272 PEOPLE v. TRIPLETT

The judgment is affirmed. (not published)
(Elia, J.; We concur: Rushing, P.J., Premo, J.)
Filed March 12, 2003

H024183 PEOPLE v. TRUJILLO

The judgment is affirmed. (not published)
(Bamattre-Manoukian, Acting P.J.; We concur: Wunderlich, J., Mihara, J.)
Filed March 12, 2003

H023737 PEOPLE v. CARDENAS

The judgment is reversed and the matter is remanded for resentencing. Upon resentencing, the trial court shall determine whether counts 2 and 3 (forcible oral copulation, § 288a, subd.(c)(2)) were committed on a "single occasion" (§ 667.61, subd.(g)) under the standard articulated in *People v. Jones*, *supra*, 25 Cal.4th 98. (not published)
(Bamattre-Manoukian, Acting P.J.; We concur: Wunderlich, J., Mihara, J.)
Filed March 12, 2003

H023900 PEOPLE v. CLAYTON

The term for count 2, false imprisonment (§ 236) is stayed pursuant to section 654. The abstract of judgment shall be modified accordingly, and a copy of the amended abstract shall be forwarded to the Department of Corrections. As modified, the judgment is affirmed. (not published)
(Bamattre-Manoukian, Acting P.J.; We concur: Wunderlich, J., Mihara, J.)
Filed March 12, 2003

Sixth Appellate District

San Jose, California

Wednesday, March 12, 2003 (continued)

H023477 PEOPLE v. VEGA

The judgment is affirmed. (not published)
(Wunderlich, J.; We concur: Rushing, P.J., Elia, J.)
Filed March 12, 2003

THURSDAY, MARCH 13, 2003

H023575 PEOPLE v. VILLA

H024182 PEOPLE v. VILLA

By the Court*:

Appellant's petition for rehearing is denied.
Filed: March 13, 2003
*Before Premo, Acting P.J., Bamattre-Manoukian, J. and Mihara, J.

H020648 MHC OPERATING LIMITED PARTNERSHIP v. CITY OF SAN JOSE,
et al.; SUCHOLAS

H022038 MHC OPERATING LIMITED PARTNERSHIP v. CITY OF SAN JOSE,
et al.; SUCHOLAS

By the Court*:

Appellant's petition for rehearing is denied.
Filed: March 13, 2003
*Before Bamattre-Manoukian, Acting P.J., and Wunderlich, J.

FRIDAY, MARCH 14, 2003

H023268 SCHUSTER, et al., v. MILESTONE

The judgment is affirmed. (not published)
(Mihara, J.; We concur: Elia, Acting P.J., Bamattre-Manoukian,
J.)
Filed March 14, 2003

H024022 PEOPLE v. ROBERT P.

The dispositional order is affirmed. (not published)
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J.,
Wunderlich, J.)
Filed March 14, 2003

H023238 PEOPLE v. CHAVEZ

The judgment is affirmed. (not published)
(Elia, J.; We concur: Rushing, P.J., Premo, J.)
Filed March 14, 2003